

**WILLIAMSBURG CITY COUNCIL  
WORK SESSION  
MARCH 6, 2006**

The Williamsburg City Council held a work session on Monday, March 6, 2006, at 2:00 p.m., in the City Council Chamber of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany, and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Assistant City Manager Miller, Economic Development Manager DeWitt, and Department Heads Nester and Yost, and staff members Mark Barham and Carolyn Murphy.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**OPEN FORUM**

Mayor Zeidler asked for public comment.

No one wished to speak. The session was closed.

**BACKGROUND PRESENTATIONS/DISCUSSIONS**

**Regional Transportation Plan Update—Dwight Farmer, Executive Deputy Director, Transportation, Hampton Roads Planning District Commission**

Mr. Tuttle introduced Mr. Farmer. Mr. Farmer presented Council members with a map of Hampton Roads showing six proposed toll projects that the Metropolitan Planning Organization (MPO) has determined that the region should invest in to help alleviate congestion in our area (attached). The critically linked projects were the Third Crossing, Southeastern Parkway/Dominion Blvd, Midtown Tunnel/MLK Extension, US Route 460, I-64 Widening (Peninsula, and I-64 Widening (Southside). Mr. Farmer reviewed the toll rates for the 2030 Plan Package approved by MPO in June 2005, which are projected to cover about 30% of the total project cost. The additional two-thirds of the cost would come from Federal, State and local sources.

Council members and Mr. Farmer discussed the proposed projects, costs, tolls/fees. Mr. Farmer said that if a third crossing cannot be constructed, the Peninsula and Southside are on the verge of growing as two separate regions again. If approval from the General Assembly for this package was received with the funding as outlined, the projects would come on line within their own construction process. There is no project priority. If less funding was received from the General Assembly, the package could be slowed down with a longer period of debt. If sales taxes were raised to help fund the projects, the money generated from this region would be returned to this region. Mr. Farmer said if we lose this package and if our region does not meet air quality conformity regulations, then we would be nonconforming for air quality, and new money cannot be spent on additional new future highway construction projects that add capacity, and we cannot spend the federal money earmarked for this area. A lot of serious money for our area is in jeopardy.

The Mayor and Council members thanked Mr. Farmer for his informative presentation. The map and funding information provided to Council is available to the public on the front

page of the HRPDC.org website. The public may also view this meeting on the city's website. Mr. Tuttle suggested that this information be inserted in the city's newsletter.

### **E-Government Update—Mark Barham, Information Systems Manager**

Mr. Barham provided Council with the annual update regarding the city's information systems. Using a Powerpoint presentation (see attached), he addressed the expansion of e-government services since March 2005. City Council meetings are now archived on the city's website via the Internet, Channel 48 is streamed on the Internet, Prince George Parking Garage parking passes can be purchased on line, and Code Compliance staff now use laptops in the field while doing inspections. The Williamsburg WiFi went live January 17 and is receiving about 20 sessions per day. Mr. Barham reviewed the current statistics regarding fees, bills paid on line, and hits on the current website.

Plans for the near future include building and code compliance inspections being requested on line, the GIS System, WiFi Monitoring, on-line property locations for businesses, and the new E-Auction on the city's website for surplus city property. Mr. Barham provided a demonstration of the E-Auction site and noted that this was an easy way to dispose of excess equipment of all types. Payments for merchandise can be made on line.

Council members appreciated Mr. Barham's report. Mr. Tuttle said that this E-auction was very efficient for the city and noted that the city was even thinking of adding a "city store" to the website.

Mr. Barham said that many of the hits on the city's website are from outside the city, and he will provide Council with a report as to where the hits are coming from.

Council members thanked Mr. Barham for the update. They were impressed with the progress that has been made and with the service provided to citizens.

### **Design Review Guidelines and Related Zoning Ordinance Amendments**

Carolyn Murphy, Zoning Administrator, presented a Powerpoint presentation to Council members about the pros and cons of each of five final issues. Ms. Murphy reviewed the following areas that Council was asked to review:

1. The Mimosa Drive Lots: Should the four lots on Mimosa Drive be included in the AP-2 District?
2. South Henry Street AP-2 District: Should South Henry Street from South Boundary Street to Mimosa Drive be changed to CP District?
3. Counselor's Close: Should Counselor's Close be included in the AP-2 District?
4. South Side of Route 199 at Jamestown Road: Should Jamestown Road south of Route 199 be designated as CP District or create a CP-2 District and allow vinyl siding?
5. Waivers for Installation of Artificial Siding: Should provisions be added, as suggested to allow the replacement and/or use of artificial siding in certain situations?

**Issues #1 and #2:** Council members concurred that the four lots on Mimosa Drive would be removed from the AP-2 District, and that the section of South Henry Street between

South Boundary Street and Mimosa Drive be designated Corridor Protection District instead of AP-2.

In regards to the homes on Mimosa Drive, Mr. Phillips clarified that it was possible to place a deed restriction on a piece of property, but it would have to be voluntary. The owners could voluntarily proffer some type of restriction in lieu of having their houses included in the AP-2 district.

Mr. Phillips said that it was possible to have a deed restriction on homes located in a CP District so that it could not be demolished without ARB approval. The deed restriction would have to be voluntary and be in lieu of being located in an AP-2 District. A separate zoning proceeding would be required. Council members discussed the suggestion that these homes be surveyed for their historical significance, but this would have to be at the owner's request.

**Issue #3:** Council members concurred that Counselor's Close shall not be included in the AP-2 District.

Mr. Phillips verified that this matter in Counselors Close does not fit the criteria for the state enabling legislation (Dillon Rule) and that for citizen-initiated rezoning, any property owner can request a rezoning, but not for someone else's property. Planning Commission and City Council can institute rezoning of properties. Should a supermajority of the homeowners in Counselor's Close request a rezoning, that would serve as an indicator to Council.

The Mayor was disappointed that the city has no mechanism to help the property owners in Counselors Close HOA preserve the integrity of their neighborhood and homes. They want to be in an AP District in order to obtain help from the city to protect their properties.

Mr. Phillips said that Homeowner Associations are not the great solution that they were expected to be, and the General Assembly needs to address this issue. He clarified that the guidelines relate to preserving particular places of historic events, and under the Dillon Rule, there is some latitude given to protecting important structures in certain areas, but it is difficult to apply them to a broader area before the ordinance becomes questionable. Mr. Haulman added that this is why we have Corridor Protection Districts to help protect the Historic Area. Designating Counselors Close AP-2 would not protect other AP-2 Districts and cannot be justified. The Mayor suggested this was an issue for next year's Legislative Agenda.

**Issue #4:** South Side of Route 199 at Jamestown Road: Mr. Haulman said that it is critical to maintain ARB oversight of this entrance corridor and suggested that it be left in the Corridor Protection District. This area is a different district because, unlike other CP districts, it is separated by a six lane highway and is contiguous to areas in James City County that is not subject to architectural review. Creating a CP-2 District for this area, allowing the use of vinyl siding with ARB oversight, would create a transition area between the county properties and Jamestown Road east across Route 199.

Mr. Chohany concurred and hoped that the County would take the opportunity to review Jamestown Road toward Historic Jamestown. Mr. Scruggs believed that business owners in the area are pleased to be in the city and this is a different segment of the commercial

corridor in the city. Flexibility in standards is a good thing and he concurred with the CP-2 designation.

Mr. Freiling agreed with the Corridor Protection designation, but was not in favor of the CP-2 designation. It takes us in the wrong direction. The county should be encouraged to raise its standards. Jamestown Road is an important arterial corridor and should remain CP.

Mayor Zeidler noted that the county does not have the ability that cities have to impose some of the controls that the city has. It is working to create a model for the Beautification Program along Jamestown Road to recognize this important thoroughfare between the city and Jamestown. No one wants to impose a hardship, but this is an important intersection in our community. She was concerned about the precedent of designating this area CP-2. It would be best to keep this CP.

Mayor Zeidler said that three members favored leaving the designation as Corridor Protection District, and then at some point Council could make a decision about referring a new CP-2 designation to ARB and the Planning Commission.

Mr. Phillips added that to consider another zoning category, the designation would have to be referred to the Planning Commission for review and public notice.

**Issue #5. Design Review Guidelines.** Mr. Haulman said that the section regarding “Replacement of Existing Siding” as rewritten by Ms. Murphy and Mr. Nester provides for flexibility, exceptions, and transparency so that people are aware of options. He addressed the siding options available in the AP-2 and AP-3 Districts as outlined in the Guidelines. These guidelines are a living document and they will change as new siding materials become available and as the community changes. These revisions to the guidelines are good public policy, and he thanked Mr. Nester and Ms. Murphy for their work.

Mr. Chohany agreed the guidelines are reasonable and clear. He appreciated the work of Mr. Haulman and Mr. Scruggs, and the work of the Planning Commission and Architectural Review Committee.

Mr. Scruggs concurred the guidelines were improved. He and Ms. Murphy discussed the language addressing the grouping of siding materials.

Ms. Murphy responded to Mr. Freiling that the city has not inventoried how many of our homes have replacement siding or the type of original siding material. Mr. Freiling had a dilemma about being able to maintain a non-conforming use, which does not put any burden on the property owner, and yet if a homeowner decides to make a significant change to a home, it must be brought into conformity.

The ARB was not in favor and the PC developed the siding hierarchy. Mr. Haulman felt there was no non-conforming use—the conforming use is whatever the siding treatment is today.

Mr. Freiling was of the opinion that the architectural character is to be maintained and if a siding violates the architectural character and changes the appearance of a building, it

should be corrected when a change is made. We are trying to preserve character of the entire community.

Mr. Haulman felt that this would place a burden on the homeowner. The guidelines provide for exceptions, and will provide for uniformity and fairness in a variety of situations.

Mayor Zeidler said these issues require a thoughtful and intelligent Architectural Review Board that can apply the guidelines on a case-by-case basis. The city's goal is preservation. Council is looking at the guidelines because they did not allow the ARB flexibility in some instances. The guidelines are tools to be used in the future. Perhaps Council would like to pursue the suggestion to develop incentive programs to assist property owners in architectural preservation areas.

Council will take up these matters at the March 9 meeting.

### **Preview of March 9, 2006 Council Meeting**

No additional information was requested.

### **City Council Communications**

Workforce Development Consortium: Mr. Scruggs said the merger is moving forward. He attended the National Association of Workforce Boards in Washington, DC, which was very informative. The Federal Government does see great opportunity in merging Economic Development with Workforce Development. Our region is ahead of the curve in this new federal concept.

Neighborhood Council of Williamsburg Meeting: The Mayor and Mr. Freiling attended. Mayor Zeidler recognized Ms. DeWitt for her presentation about the Economic Development Strategic Plan.

### **Schedule of Meetings: March 2006**

Budget Work Sessions: Mr. Tuttle noted the work sessions on Monday, March 20 and Tuesday, March 21.

### **OPEN FORUM**

Mayor Zeidler asked for public comment.

**Victor Smith, 140 Chandler Court**, appreciated the discussion regarding Counselors Close. The Exxon property on Jamestown Road has been sold and the new owner will mitigate its problems. He hoped that there was some process under the Dillon Rule that would allow an umbrella over the entire area to consider the entire city as special because of its historic core.

No one else wished to speak. The session was closed.  
The meeting adjourned at 4:35 p.m.  
Approved: April 13, 2006

Jeanne Zeidler, Mayor

Shelia Y. Crist  
Clerk of Council